

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Patrick Yu	Team: Squad #8	CCRB Case #: 201910544	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Monday, 12/02/2019 4:45 PM	Location of Incident: Queens Central Public Library	Precinct: 103	18 Mo. SOL 6/2/2021	EO SOL 1/17/2022	
Date/Time CV Reported Mon, 12/09/2019 4:38 PM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Mon, 12/09/2019 4:38 PM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. PO Karina Lucero	27425	965292	103 PCT
2. PO Daniel Efinger	16366	957561	103 PCT
3. POM Travis Chin	23559	952581	M E L D

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Sean Mcgowan	23735	966205	103 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Travis Chin	Abuse: Police Officer Travis Chin failed to provide § 87(2)(b) with a business card.	
B.PO Daniel Efinger	Abuse: Police Officer Daniel Efinger failed to provide § 87(2)(b) with a business card.	
C.PO Karina Lucero	Abuse: Police Officer Karina Lucero failed to provide § 87(2)(b) with a business card.	
D.POM Travis Chin	Abuse: Police Officer Travis Chin threatened to arrest § 87(2)(b)	
E.PO Daniel Efinger	Abuse: Police Officer Daniel Efinger stopped an individual.	
F.PO Daniel Efinger	Abuse: Police Officer Daniel Efinger failed to provide an individual with a business card.	
§ 87(4-b) § 87(2)(g)		
§ 87(4-b) § 87(2)(g)		

### Case Summary

On December 9, 2019, § 87(2)(b) filed this complaint via the CCRB's website.

On December 2, 2019, at approximately 4:45 p.m., § 87(2)(b) observed library personnel preventing a § 87(2)(b)-old boy from leaving the Queens Central Public Library at 89-11 Merrick Boulevard in Queens. PO Travis Chin, PO Daniel Efinger, PO Karina Lucero, and PO Sean McGowan of the 103<sup>rd</sup> Precinct arrived shortly after. § 87(2)(b) remained at the location to see what was happening. At some point, § 87(2)(b) asked PO Chin, PO Efinger, and PO Lucero for their business cards, but they did not provide him with one (**Allegation A: Abuse of Authority, § 87(2)(g)** **Allegations B and C: Abuse of Authority, § 87(2)(g)** As PO Efinger was speaking to the minor in the vestibule, PO Chin threatened to arrest § 87(2)(b) (**Allegation D: Abuse of Authority, § 87(2)(g)** During the incident, PO Efinger stopped the minor (**Allegation E: Abuse of Authority, § 87(2)(g)** PO Efinger did not provide the minor with a business card at the conclusion of the incident (**Allegation F: Abuse of Authority, § 87(2)(g)** The minor was not arrested or issued a summons.

§ 87(4-b), § 87(2)(g)

The investigation is in possession of PO Efinger, PO Lucero, and PO McGowan's body-worn camera (BWC) footage and Queens Central Library surveillance footage (Board Review 07 and 13). § 87(2)(b) also provided cellphone footage capturing the incident (Board Review 12).

### Findings and Recommendations

**Allegation (A) Abuse of Authority: Police Officer Travis Chin failed to provide § 87(2)(b) with a business card.**

**Allegation (B) Abuse of Authority: Police Officer Daniel Efinger failed to provide § 87(2)(b) with a business card.**

**Allegation (C) Abuse of Authority: Police Officer Karina Lucero failed to provide § 87(2)(b) with a business card.**

On December 2, 2019, at approximately 4:43 p.m., a library staff member called 911 to report that a male patron assaulted another staff member at the library (Board Review 06).

In his CCRB statement, § 87(2)(b) stated that prior to the officers arriving, security officers and staff members prevented the minor from leaving (Board Review 01). § 87(2)(b) stated that he remained in the vicinity to observe and record the incident because he believed the minor's rights were being violated. § 87(2)(b) stated that a security officer asked a library employee, § 87(2)(b) to tell § 87(2)(b) to leave. In response, § 87(2)(b) told § 87(2)(b) "I'm going to trespass you." § 87(2)(b) then went into the vestibule. Shortly after, PO Chin, PO Efinger, PO Lucero, and PO McGowan entered the library. In his CCRB statement, § 87(2)(b) stated that he remained at the location to continue to observe the incident with the minor. At some point, PO Lucero asked § 87(2)(b) to leave. § 87(2)(b) subsequently asked PO Chin, PO Lucero, and PO Efinger for their business cards, but they did not provide him with one. § 87(2)(b) provided PO Chin, PO Efinger, and PO Lucero's names to the CCRB.

When the officers arrived on the scene, PO Lucero spoke with library staff to obtain their statement and PO Efinger spoke with the minor to obtain his name and information. In their CCRB statement, PO Lucero and PO Efinger stated that § 87(2)(b) then began interrupting them by asking the minor questions and yelling at the officers.

In her CCRB statement, PO Lucero stated that § 87(2)(b) asked PO Lucero for her name and she replied, “My name is Officer Lucero, I’m from the 103 Precinct” after which § 87(2)(b) looked at her shield (Board Review 02). PO Lucero did not remember § 87(2)(b) ever requesting a business card from her; however later during her CCRB interview, PO Lucero stated that she did not hear him ask for a business card. PO Lucero denied providing § 87(2)(b) with a business card. To PO Lucero’s understanding, she was required to provide a business card only if she stopped someone or if she arrested someone. These were the only times she had provided a business card to civilians. PO Lucero did not recall if she carried business cards on her during the incident. PO Lucero stated that she did not know if § 87(2)(b) requested PO Chin or PO Efinger’s business cards or whether they provided one to him

In his CCRB statement, PO Efinger stated that § 87(2)(b) “might have” requested a business card from him but he did not remember (Board Review 03). PO Efinger did not provide a business card to § 87(2)(b) because he thought he only had to provide a business card to someone who was a subject of a stop and not a “random person” even if they asked. These were the only reasons that PO Efinger could think of for when an officer would be required to provide a business card. PO Efinger stated that he did not know if § 87(2)(b) ever requested a business card from PO Lucero nor did he know if PO Lucero ever provided one. PO Efinger did not know if PO Chin ever provided a business card. PO Efinger did not hear PO Lucero refuse to provide business card to § 87(2)(b) in the vestibule. PO Efinger did not know if he had any business cards with him at the time.

§ 87(2)(g)

The interaction between the officers and § 87(2)(b) were captured in PO Lucero and PO Efinger’s BWC. As noted above, at the beginning of PO Efinger’s BWC, PO Efinger is obtaining information from the staff members about what happened (Board Review 07). Starting at 2:30 minutes, while the officers and staff members were inside the library, § 87(2)(b) says something to the effect of, “You’re backing up into me.” At 2:36 minutes, PO Chin walks toward § 87(2)(b) and a male staff says, “Make him leave please.” § 87(2)(b) says, “Make me leave? I’m in a public building.” A male’s voice says, “Yeah, we want him out.” At 2:41 minutes, PO Chin says, “They want you out the building.” At 2:43 minutes, § 87(2)(b) asks PO Chin, “Can I get your name? You got a Right to Know card? You got a Right to Know card?” PO Chin then asks PO Efinger, “You got a card?” to which PO Efinger says, “No I don’t. But my name’s Officer Efinger 16366.” § 87(2)(b) says, “Name?” PO Efinger replies, “Efinger 16366.” § 87(2)(b) says, “You don’t got a card?” to which PO Efinger says “No.” § 87(2)(b) looks at what seems to be PO Efinger’s shield and then looks at PO Chin’s shield and says, “You don’t got a card either” to which PO Chin says, “Chin. C-h-i-n.” § 87(2)(b) then asks, “Same precinct?” PO Chin and PO Efinger responded in the affirmative.

Starting at 5:34 minutes of PO Lucero’s BWC, while the officers, the minor, and § 87(2)(b) is in the vestibule, § 87(2)(b) says, “No, no, no. He’s not in trouble with the police” (Board Review 07). At 5:52, PO Lucero tells § 87(2)(b) “Sir can you just step out? They don’t want you in this building anymore.” At 5:57 minutes, § 87(2)(b) says, “Do you have a Right to Know card on you?” PO Lucero says, “She’s telling me that you’re not allowed to be here. So.” At 6:02 minutes, § 87(2)(b) says, “I understand. I’m asking you for a Right to Know card.” PO Lucero says, “She’s telling you you can’t be here.” At 6:05 minutes, § 87(2)(b) says, “I got you. I have the right to ask you for a Right to Know card.” At 6:12 minutes, PO Lucero says, “I

don't got any of that. No, you know my name. It's Officer Lucero 103 Precinct." PO Lucero then walks a few steps away from § 87(2)(b)

According to NYC Administrative Code §14-174, an officer shall offer a business card to any person requesting identifying information, or provide such information verbally to such person and allow such person sufficient time to record such information when such officer does not have an adequate number of pre-printed business cards or hand-written cards on his or her person at the time of such law enforcement activity (Board Review 08).

Members of the service are to provide business cards, as appropriate, at the request of members of public, Patrol Guide Procedure 203-09 (Board Review 16).

§ 87(2)(g)

§ 87(2)(g)

**Allegation (D) Abuse of Authority: Police Officer Travis Chin threatened to arrest** § 87(2)(b)

In his CCRB statement, § 87(2)(b) stated that at some point after he recorded the interaction between a security officer and § 87(2)(b) the security officer asked § 87(2)(b) to tell § 87(2)(b) to leave the library (Board Review 01). § 87(2)(b) subsequently told § 87(2)(b) "I'm going to trespass you." § 87(2)(b) asked why and he said because § 87(2)(b) was recording. While § 87(2)(b) was in the vestibule, PO Lucero approached § 87(2)(b) and asked him to leave. § 87(2)(b) asked her why. § 87(2)(b) stated that he believed she said he had been trespassed. PO Chin then approached and said, "You've already been trespassed. If you don't leave, you're going to get arrested." PO Chin threatened § 87(2)(b) with arrest several times. When asked what, if anything, PO Chin said § 87(2)(b) could be arrested for, § 87(2)(b) said trespassing. PO Chin said, "You've been trespassed. You've been asked to leave, so leave or I'm going to arrest you." § 87(2)(b) also stated that PO Chin said he could also be arrested for obstructing governmental administration. Prior to PO Chin approaching § 87(2)(b) § 87(2)(b) § 87(2)(b) had been in the vestibule area for approximately two minutes.

§ 87(2)(g)

In a phone statement, § 87(2)(b) stated that he believed § 87(2)(b) was trying to photograph the incident and they did not allow photography inside the library (Board Review 04). § 87(2)(b) believed that he asked § 87(2)(b) to stop filming and to step outside. § 87(2)(b) stated that he believed there was a sign with rules and regulations regarding video recording by the front

entrance.

In a phone statement with Justin Deabler, General Counsel of Queens Public Library, he stated that there is no recording permitted in the library and if someone refused to stop recording after being asked to do so then generally the person would be asked to leave (Board Review 05).

At 2:36 minutes of PO Efinger's BWC, a male security officer looks towards § 87(2)(b) who is off screen, says, "Make him leave please" (Board Review 07). § 87(2)(b) says, "Make me leave? I'm in a public building." The security officer replies, "Yeah, we want him out." At 2:40 minutes, PO Chin approaches § 87(2)(b). PO Efinger stands behind PO Chin. At 2:41 minutes, PO Chin says, "They want you out the building." PO Chin is speaking with § 87(2)(b) past the metal detectors inside the library at this point. § 87(2)(b) then requests for PO Chin and PO Efinger's information and after they provide it to him as they walk § 87(2)(b) towards the vestibule. At 3:43 minutes, PO Efinger walks into the vestibule where § 87(2)(b) stands. PO Efinger says, "Guy, what is your issue? What's your issue?" PO Efinger then speaks with the minor and his BWC does not clearly capture what was going on with § 87(2)(b).

At 5:15 minutes of PO Lucero's BWC, while PO Lucero and PO Efinger are standing near the minor in the vestibule, PO Lucero tells § 87(2)(b) (who is off screen but, in the vestibule.), "Alright sir, there's nothing to see here. You can just step outside. You've been standing around for fifteen minutes already" (Board Review 07). PO Efinger says, "What is your issue?" and PO Lucero then tells § 87(2)(b) "You've been here for fifteen minutes since it started." At 5:52, PO Lucero walks to § 87(2)(b) and says, "Sir can you just step out? They don't want you in this building anymore." At 6:18 minutes, PO Chin says, "Sir, they do not want you the premises anymore. If I have to say it one more time." § 87(2)(b) interjects and says, "I got you man. Then what you gonna do? Arrest me?" PO Chin replies, "Yeah, probably." § 87(2)(b) says, "For what?" and PO Chin says, "Let's go. Let's go. Cause now you're trespassing." § 87(2)(b) says, "I know my rights." PO Chin seems to follow § 87(2)(b) out of the vestibule and PO Lucero walks back to the minor.

In her CCRB statement, PO Lucero stated that § 87(2)(b) could have been arrested for trespassing because the library staff had asked them to escort him out and they no longer wanted him in the building (Board Review 02). PO Lucero recalled PO Chin telling § 87(2)(b) something to the effect of that if he did not leave he would be arrested for trespassing. During the incident, the officers asked § 87(2)(b) to leave "multiple times." Besides trespassing which was the primary offense § 87(2)(b) could have been arrested for, PO Lucero said it was possibly "kind of" OGA because § 87(2)(b) was interfering with the officers dealing with another job involving another person.

A person is guilty of trespass when he knowingly enters or remains unlawfully in or upon premises, NY Penal Law §140.05 (Board Review 09).

§ 87(2)(g)

#### **Allegation (E) Abuse of Authority: Police Officer Daniel Efinger stopped an individual.**

As noted above, the EVENTS indicated that a staff member called 911 to report that a male assaulted another staff member (Board Review 06).

In his CCRB statement, § 87(2)(b) stated that prior to the officers arriving, security officers and staff members had already prevented the minor from leaving.

In a phone statement, § 87(2)(b) staff member at Queens Central Public Library, stated that a librarian had complained that the minor caused a disturbance and spat at the librarian inside the library. Subsequently, 911 was called to have the police intervene.

§ 87(2)(b) did not know the minor and the investigation was unable to identify this individual through police documents because he was a minor.

Starting at 00:30 seconds of PO Efinger's BWC, PO Efinger enters the vestibule where PO McGowan is standing with a minor (Board Review 07). PO Efinger asks for the minor's age and he says, "13 turning 14." PO Efinger then tells the minor, "Just hang on for a second." PO Efinger enters the lobby of the library and a female is speaking to PO Lucero, but the conversation was not clearly captured. At 00:53 seconds, a male security officer tells PO Efinger that the minor was there last week, stole someone's basketball, and today they told him not to come back. The security officer requested PO Efinger to get the minor's ID for their records. At 2:00 minutes, the security officer told PO Efinger that the minor went into an area where a staff member told him not to go. The security officer then stated the minor got upset and spat at the staff member, but it did not hit the staff member. PO Efinger responds, "Yeah, harassment."

PO Efinger's CCRB statement was generally consistent with his BWC regarding what the staff members told him and that they wanted to obtain the minor's ID for a "no trespassing" matter (Board Review 03). PO Efinger stated that the minor was not going to be arrested and his intent was to get the minor to leave. PO Efinger stated that the minor was not free to leave because they had not obtained his name or identification yet. Besides him not being identified yet, there was no other reason the minor was not free to leave. PO Efinger affirmed that he was the officer primarily interacting with the minor.

"A police officer may arrest and take into custody a person when he has probable cause to believe that person has committed a crime, or offense in his presence," People v. De Bour, 40 N.Y.2d 210 (Board Review 10).

§ 87(2)(g)

**Allegation (F) Abuse of Authority: Police Officer Daniel Efinger failed to provide an individual with a business card.**

In his CCRB statement, PO Efinger stated that he was under the impression he only had to provide a business card to the subject of a stop, for instance if the minor had requested a business card as opposed to a stranger who just approached (Board Review 03). PO Efinger did not know if he had business cards on him on the day of the incident. PO Efinger denied providing a business card to the minor. PO Efinger denied that the minor ever requested one. When asked about his understanding of the Right To Know Act's requirements for officers proactively providing a business card, PO Efinger said that if an officer had someone stopped for fitting a description and it ended up not being the right person, an officer would provide a business card and explain why they stopped them. Or, if the subject asked for the business card. These were the only reasons that PO Efinger could think of for when an officer would be required to provide a business card. PO Efinger stated that during this incident, a complainant/victim pointed out the minor which meant they were

not required to proactively provide business card.

Between 4:03 minutes until the end of PO Efinger's BWC, PO Efinger speaks to the minor in the vestibule and obtains the minor's information before telling him to leave with a warning (Board Review 07). At 4:25 minutes, PO Efinger tells the minor, "This is the warning that I'm gonna give you. You can't come back into the library because if you do you could get arrested for trespassing. Okay?" Before the video ends, it appears that the minor walks away towards the exit. PO Efinger did not provide a business card or any identifying information to the minor.

NYC Administrative Code §14-174 requires officers to identify themselves by providing their name, rank, and command, and provide a business card to the person, including minors, at the conclusion of any law enforcement activity that does not result in an arrest or summons (Board Review 08).

An officer is required to provide a Right to Know business card upon conclusion of law enforcement activities, except in cases when a summons is issued or an arrest is made, or exigent circumstances are present, Patrol Guide Procedure 203-09 (Board Review 16). Moreover, the officer is required to offer a Right to Know business card to a minor.

§ 87(2)(g)  
[REDACTED]

§ 87(4-b), § 87(2)(g)  
[REDACTED]

[REDACTED]

#### **Civilian and Officer CCRB Histories**

- This is the first CCRB complaint to which § 87(2)(b) has been a party.
- PO Lucero has been a member of service for three years and has been a subject in two CCRB complaints and four allegations, none of which were substantiated. § 87(2)(g)  
[REDACTED]
- PO Efinger has been a member of service for six years and has been a subject in three CCRB complaints and three allegations, none of which were substantiated. § 87(2)(g)  
[REDACTED]
- PO Chin has been a member of service for nine years and been a subject in two CCRB complaints and three allegations, none of which were substantiated.

#### **Mediation, Civil, and Criminal Histories**

- On January 6, 2020 this case was sent to mediation and on October 15, 2020, the case was

returned to investigation as the complaint was no longer suitable for mediation.

- As of November 24, 2020, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regards to this complaint.

- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

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Squad: 8

Investigator: Patrick Yu SI Patrick Yu 10/12/2021  
Signature Print Title & Name Date

Squad Leader: Ethan De Angelo IM Ethan De Angelo 10/12/2021  
Signature Print Title & Name Date

Reviewer: \_\_\_\_\_  
Signature Print Title & Name Date